



## **EASTERN EUROPE** by Maria Smirnova

Smirnova, M. (2012). Eastern Europe. In C. L. Glenn & J. De Groof (Eds.), *Balancing freedom, autonomy and accountability in education: Volume 1* (287-304). Tilburg, NL: Wolf Legal Publishers.

### *Introduction*

Most of the Eastern European democracies are relatively young. A surge of campaigns for independence rolled over Eastern Europe in 1989-1991. The fall of the “Iron Curtain” in 1989 led to ideological liberalization of Bulgaria, Czech Republic, Poland, Hungary, and Romania. Lithuania obtained its independence in 1990; Slovenia, Estonia, Latvia, Ukraine, Georgia became independent states in 1991.

Thus, the present comparison includes a choice of Eastern European countries that can be nominally classified as ‘countries in transitions’ as they had undergone a fundamental social, economic and political upheaval during the last decade of the 20-th century. These major changes were to the greatest extent affected by the collapse of the Soviet Union in 1991, either directly – for the member nations of the Union, or indirectly – for their neighbours or political and ideological allies.

Eastern European countries feature a number of educational systems of more or less significant conceptual novelty, reflecting ideological, organizational and administrative changes. Indicative of most of them are the following common characteristics:

- emerging of privately owned educational institutions, privatization processes in education;
- refining of the balance between public and private interests in education;
- progressive decentralization of education in terms of management, administration, legal regulation;
- de-ideologization of education, its humanization and democratization;
- introduction (or return to the curriculum) of religious classes;
- early profiling of school education;
- integration of the right to education as a legal phenomenon with emerging constitutional fundamentals, basic human rights and freedoms, non-discriminational guarantees, as provided for by the young Constitutions of the post-soviet region.

Educational legislation of most Eastern European countries is now undergoing a significant reconstruction: Russia, Romania, Bulgaria, and the Czech Republic either have recently adopted or are in the processes of preparing a new complex law on education systematically and comprehensively regulating the renewed educational systems of these countries. Some of the novelties of these laws include, for example, a per-pupil based funding system and a preparatory class for the 6-7 years olds (Romania).

### *The structure of schooling*

Most educational systems of the countries discussed in this review either derived from the legacy of the late Soviet Union, or were largely influenced thereby.

The classical three-tier combination of school levels is featured by Slovenia, Romania, Lithuania, Georgia, Estonia, Russia with their pre-school (kindergarten),

primary (elementary) and secondary education, that can sometimes include a separate 2-year stage of high school either included into or excluded from compulsory education. In Bulgaria both basic education (1-8 grades) and secondary education are two-fold: the former includes primary school (grades 1-4) and pre-secondary school (grades 5-8), while the latter may be either comprehensive or profile-oriented.

Although school education in Poland is also three-fold, the levels are slightly different and include 6 years of grammar school (*szkoła podstawowa*), 3 years of lower secondary school (*gimnazjum*) and 3 years of upper secondary school (*liceum*).

Rather widely, enrolment for compulsory school education starts from 6-7 years. The duration of compulsory education varies: from nine years in Slovenia (primary school), Estonia (basic school), Poland (lyceum), to eleven years in Russia and Ukraine. The upper age limit of compulsory education also varies: 14 years in Slovenia, 16 years in Bulgaria, 17 years in Estonia, 18 years in Poland and Russia. The length of the entire school program in Georgia is 12 years starting from the age of 5.

In Slovenia, at the end of general secondary school (*gimnazija*) students take the national *matura examination* that is also an entrance requirement for a university. The *matura* is an externally assessed examination in five subjects, three of which (the mother tongue, mathematics, and first foreign language) are compulsory, while the other two are elective.

The completion of secondary education in Romania is marked by 'the maturity exam' (baccalaureate), a pre-requisite condition for university studies, while in Estonia the final grade examination fulfils the functions of graduating from upper secondary school and in many cases, though not necessarily, act as a university entrance exam.

Management of school education in Eastern European countries remained remarkably centralized for 50-70 years, however, substantial administrative relief may be noticed in current educational policy. Conventionally, the character of administration is evidenced by the distribution of powers between the central (national) authority and local (municipal) authorities, as well as by the degree of autonomy schools enjoy in drafting their curricula and administering their funds.

Slovenia is an example of highly centralized education management with most of the decisions made by the Ministry of Education and Sport and its three subordinate state agencies and the municipalities being only responsible for running and partial funding of public pre-school institutions, primary schools and music schools. The Romanian education system is also excessively centralized, especially in what

concerns the curriculum and the funding, with few attributions left to school or local authorities.

Additionally, optimization of the school network planned and carried out by educational authorities is an administrative instrument signaling a strongly centralised management. Such optimisation may be aimed at maintaining an optimal balance between the number of students in a class, within a certain administrative region (city or rural area), however, in some cases, it leads to putting children of rural areas in a slightly disadvantageous position by making the school less accessible for them than for those who live in the cities. In Lithuania the state compensates for this disadvantage by providing an effective system of school transportation: each administrative district ensures that every minor of school age is properly transported and attends school. Similarly, in Russia a *Target National Program 'School Bus'* is activated to provide support to those municipalities who find organization of transportation too challenging.

Other examples of centrally-organized education include Georgia with its restricted autonomy of public schools, Ukraine with its vast competence of the Ministry of Education, or Latvia where mandatory curriculum of education and the basic assessment principles are uniformly defined by the state standard of education, approved by the Cabinet of Ministers, while a head of a local educational institution is hired by the local Council, with previous approval of the Ministry of Education and Science.

Contrastingly, Poland has a notably decentralized education system. Local authorities are fully responsible for school management and funding, such as: providing schools with conditions to function, including security and sanitation; renovation and investment; financial and administrative services; providing didactical equipment for learning and conducting exams. Moreover, local authorities are also responsible for registering pupils, providing them with financial support, recommending them for special education, paying teacher salaries, and deciding about the number of schools and their networks. Schools are funded according to the number of pupils and their special needs.

Public administration of education in Czech Republic is also remarkably decentralized. Responsibility for the administration of schools is optimally divided between central, regional and local (municipal) authorities, enjoying a high degree of autonomy. While the Ministry of Education is primarily responsible for conceptual development of the educational system and for long- term strategic planning, regional governments are obliged to ensure conditions for secondary and higher vocational education, education for disabled children and the handicapped, language schools, basic schools of art and hobby education and partly for institutional care. Municipalities are the establishing entities of nursery and primary schools and are responsible for pre-school and compulsory basic

education on their territory.

## *The legal framework*

The legal foundation for the right to education is laid down in one way or another on constitutional level nearly in all countries being scrutinized under the current research.

The right to education is explicitly guaranteed to every person by the Constitution of the Russian Federation (article 43), the Charter of Fundamental Rights and Basic Freedoms of the Czech Republic (article 33), the Constitution of Estonia (article 37), the Constitution of the Republic of Latvia (article 112), the Constitution of the Republic of Poland (article 70), the Constitution of Ukraine (article 53), the Constitution of Georgia (article 35), the Constitution of the Republic of Slovenia (article 57), the Constitution of Romania (article 32).

Alternatively, the Constitution of Bulgaria focuses rather on the ‘right and obligation of parents’ to raise and provide education of their children until they achieve the legal age with the assistance of the state (article 47.1.) It also guarantees in article 53.6 that the state shall encourage education by establishing and financing schools and by supervising all types and levels of schools. The legal foundation for the right to education is laid down in one way or another on constitutional level nearly in all countries being scrutinized under the current research.

The right to education is explicitly guaranteed to every person by the Constitution of the Russian Federation (article 43), the Charter of Fundamental Rights and Basic Freedoms of the Czech Republic (article 33), the Constitution of Estonia (article 37), the Constitution of the Republic of Latvia (article 112), the Constitution of the Republic of Poland (article 70), the Constitution of Ukraine (article 53), the Constitution of Georgia (article 35), the Constitution of the Republic of Slovenia (article 57), the Constitution of Romania (article 32).

Alternatively, the Constitution of Bulgaria focuses rather on the ‘right and obligation of parents’ to raise and provide education of their children until they achieve the legal age with the assistance of the state (article 47.1.) It also guarantees in article 53.6 that the state shall encourage education by establishing and financing schools and by supervising all types and levels of schools. When it comes to enforcement of constitutional guarantees, the examples of Romania and Hungaria may be helpful. Both the Romanian and the Hungarian Constitutions list the following specific elements of education: children’s right for the care and protection

necessary for their satisfactory physical, mental, and moral development; parents' right to choose the form of education given to their children; national and ethnic minorities' right for education in their native languages, and free compulsory primary schooling and the availability of secondary and higher education to every person. Moreover, considering the sensitivity of educational issues, Hungary introduced a position of commissioner for educational rights intended to supervise educational activities and advocate the rights of participants of educational process.

Sometimes constitutional provisions on the right to education may be relatively vague and abstract. In this case it becomes the task for constitutional courts or other authorities of comparable competence to explain the genuine meaning of a certain passage or clause. For example, article 112 of the Constitution of the Republic of Latvia sets the constitutional duty of the state to ensure that state and local schools provide education free of charge along with study aids and other resources necessary for the study process. In response to the growing number of complaints filed by the parents being forced by schools to buy workbooks or textbooks, the Ombudsman of the Republic of Latvia has stated that failure of a school to provide the books needed for mastering the educational program constitutes violation of article 112.

On the other hand, constitutional provisions may appear excessively detailed yet lacking the precision required for direct application. For example, the Constitution of Lithuania states, among other provisions, that 'higher education shall be accessible to everyone according to his individual abilities. Citizens who are good at their studies shall be guaranteed education at State schools of higher education free of charge' (article 41). Arguably, fee-free higher education is too big a stake to be dependent upon such an indefinite criterion as 'being good' at one's studies, especially as the first assessment normally comes after enrolment. Another unsupported duty featured by the Constitution of Lithuania is the duty of parents to bring up their children to be 'honest people and faithful citizens' (article 38), and to make sure that children attend school and acquire proper schooling.

Sometimes existing ethnic issues require being addressed at the highest legislative level. This is the case of Slovenia, which guarantees in article 64 of the Constitution the right to education of the members of native Italian and Hungarian national communities, particularly, the right to create and develop their own policy of education. Additionally, the Constitution guarantees to the members of the Roma population the right to maintain and develop their own language and culture, while Roma Community Act specifies educational rights of Roma children.

Considering the intensity of immigration processes in the region of Europe, it is worth noticing that in some countries the protection of the right to education of immigrants' children is guaranteed on the constitutional level. In Slovenia the right to



compulsory education is extended to immigrant children under the same conditions as citizens of the Republic enjoy. Moreover, instruction in immigrant children's native languages and cultures is offered in compliance with international agreements. Additionally, schools are required to offer extra classes of Slovene language to those who need it. Thus the newcomers are being incorporated into the society, which supports their cultural identity and bilingualism.

Constitutional provisions are further supported by the relevant legislative instruments, be it a 'framework' act on education with consecutive legislation or subordinate sub-legal acts on different levels of education (Russia (currently), Estonia, Latvia, Lithuania, Poland), a set of independent laws for each level of education (Bulgaria, Czech Republic, Slovenia, Georgia, Hungary, Ukraine (currently)), or a comprehensive education law or code, regulating the whole range of issues concerned with education law and policy (Romania, the new laws on education in Russia and Ukraine).

Vertical distribution of power depends largely on the administrative and territorial structure of a country: educational legislation of federal states like Russia is enriched by regional and local normative regulation, while in unitary states like Poland and Romania the provinces are usually not allowed to issue regional laws on education.

### *Freedom to establish non-state schools*

Constitutions of the Eastern European countries reported here rarely provide for the right to open a private school or for the freedom of parents to choose such a school for their children with equal consequences compared to opting for a public school. The Russian Constitution is characteristically vague on this issue: it only 'guarantees support of various forms of education and self-teaching' (article 43.5.) This constitutional provision along with the guarantees of freedom of enterprising (article 34.1.) and recognition and equal protection of all forms of ownership (article 8.2.) form the faint legal basis for the right to establish non-state (private) schools. Similarly, the Ukrainian Constitution only admits the existence of state and communal property institutions (article 53), while at the same time it accepts the possibility of establishing an educational institution in any other form of ownership by indicating that the state protects the rights of all subjects to ownership and management, which are equal before the law (article 13 of the Constitution).

Contrastingly, the Constitution of Bulgaria explicitly entitles any citizen or organization to open schools under the conditions and procedures regulated by law (article 53.5.) Instruction in such schools must be consistent with the

requirements of the state. Similarly, in the Czech Republic the right ‘to establish schools other than state schools and to teach at them under conditions set by law’ is guaranteed on the constitutional level (article 33 of the Charter of Fundamental Rights and Basic Freedoms). Article 37 of the Constitution of Estonia also directly allows for establishment of ‘other educational institutions, including private schools’.

Poland appears to be the only one of the countries presented here that secures on the constitutional level (article 70) the right of parents to choose schools other than public for their children. The Constitution also guarantees the right of citizens and institutions to establish educational institutions. The conditions for establishing and operating non-public schools, the participation of public authorities in their financing, as well as the principles of educational supervision of such schools and educational development institutions, shall be specified by statute.

In Latvia the right to establish a private school is secured by the Education Law, as it is in Russia, Romania, Slovenia, Hungary, Ukraine, Georgia. Estonia, in turn, features the unique example of a dedicated law on private schools, *Erakooliseadus*. This law sets forth the conditions for establishing such schools as the property of private individuals or legal entities (non-profit, pro-profit or religious), together with the principles for operating these institutions and the requirements for the outcomes. A school has to present its by-laws, program of development, curriculum, list of teachers, and the physical facilities for operating a school. It should have also a certain amount of capital to avoid bankruptcy.

Rather widely, as illustrated by the Slovenian *Act on the Organization and Financing of Education*, a private school would be established via a notification procedure rather than an authorization-based one. Private schools are usually given freedom to develop their own educational programs. However, state accreditation is required if state-approved qualifications are planned to be delivered. The contents of educational programs run by state-accredited schools are supervised by the school inspectorate. Normally, churches and other religious communities are given equal rights to establish schools as any other private-law subject. Private schools are free to enroll students and to determine their own admission criteria. In some cases private schools have access to public funds, provided they comply with the conditions determined by the law.

## *Homeschooling*

Under Bulgarian *Public Education Act* article 47, parents or legal guardians who fail to ensure attendance of their child with a local school within the compulsory school age shall be fined. Thus, the law provides no guarantees for home schooling. With the



exception of Bulgaria, none of the countries included in this report prohibit home schooling. The scope of legal support of this form of education ranges from very obscure in Russia and Poland to extensive legal regulation by a dedicated normative act as in Estonia. Education laws of Latvia, Lithuania and Romania require special medical conditions to opt for home schooling.

In Poland and Russia home education is not prohibited, however this form of schooling lacks adequate legislative support, which reduces its accessibility for parents who might otherwise choose it.

In Poland the school headmaster has full discretion to allow a child to study outside the school. The outcomes of self-study are tested annually, and the child is entitled to obtain appropriate school certificates upon passing the national examination. The authorization for home schooling may be withdrawn if the child does not attempt to pass the exam or fails it.

In Russia the freedom of parents to choose homeschooling for their child is secured by *Law on Education* article 52.4. Every child receiving general education at home is free to return to school at any stage of training provided successful attestation. Those children, who choose to study at home or are recommended to, are entitled to final attestation on the conditions of externship in state-accredited schools in order to receive a state-approved certificate of completing general education, which is essential for continuing education in Russia. Since 2000 the *Regulations on Receiving General Education in the Form of Externship* currently remain the only federal act concerning the legal status of children and their parents choosing home schooling. These regulations secure the child's right to receive necessary consultations within two hours prior to an examination, to borrow textbooks from the school's library, to visit labs and workshops, to take part in various competitions, contests, and centralized testing.

The Czech Republic, Estonia, Slovenia, Hungary, and Georgia have developed relatively detailed legal support for parents choosing home education, be it a dedicated sub-legal instrument, or a relevant section of the basic law on education. Generally, it explicitly provides for the right to opt for home education, the procedures thereof, indicates the decision makers, and outlines limitations. Such limitations may include age of the child, for example, in Czech Republic home schooling is only permitted for pupils at the primary level of education, while in Estonia the first nine grades are open for opting out. As a rule, children on home schooling schemes enjoy the same rights as their counterparts attending school, namely, the right to use teaching aids and participate in school events, while the school is responsible for providing methodological assistance to parents (working out the curriculum and choosing textbooks), organizing meetings with parents, keeping

records of the pupil's performance and arrange compulsory mid-term attestation.

In Hungary the law strictly requires a local child welfare service to approve the homeschooling arrangement. The restriction stems from a trend in the late 1990s for schools to persuade pupils with behavioral or academic difficulties to exercise their homeschooling option.

Homeschooling in Estonia is regulated by a dedicated decree of the Ministry of Education and Research of 11 August 2010 No. 40. The legislation provides for opting out for medical reasons as well as for personal reasons, such as values and principles of the parents. The child remains registered with the school and has the right to participate in some lessons (music, arts, physical education, manual training) together with other students. In case of medical reasons referring to either mental or physical health the schools organize teaching, and the teachers come to the child's home to teach basic lessons up to twice a week.

In Georgia and Ukraine the home education scheme bears similarity to that of Russia as it involves applying for 'externship' rather than pure home schooling. According to Ukrainian regulations on external studies in comprehensive state educational institutions (2008) those parents who wish their child to study at home have to prove that he or she is unable to attend classes in general school for a reasonable excuse, including the need to study at accelerated pace or, on the contrary, the urge to relief workload due to medical conditions.

In Romania, Latvia and Lithuania the choice of home schooling is only allowed in exceptional cases and must be justified either by medical reasons requiring special learning conditions, or by the age of the student if it exceeds the maximum age of compulsory education (in Latvia).

### *School choice not limited by family income*

As a general rule, school education is free of charge in all Eastern European countries included into this comparative review. What differs is the level of legal guarantees provided by current educational legislation to secure accessibility of compulsory general education to everyone irrespective of their income and social position. Such guarantees may include but are not limited to the following:

- 1) public schools are allowed to arrange extra-curriculum activities outside their main educational program on a fee basis; their independent income does not affect the amount of financial support they receive from the appropriate

budget (Bulgaria, Russia);

- 2) textbooks are free and normally are provided by the school (Estonia , Russia);
- 3) children are provided with free hot meal during the school day (Estonia);
- 4) free or subsidized transportation to and from school is available (Estonia, Russia);
- 5) private schools that provide compulsory general education and possess a valid certificate of state accreditation are entitled to state funding provided special conditions of quality education are met (Russia, Estonia, Slovenia, Georgia);
- 6) private schools may be free of charge on exceptional basis provided certain conditions are met (Poland);
- 7) the maximum amount of fees in private schools is limited by the law (Slovenia);
- 8) funding according to the principle ‘money follows the pupil’, or by voucher-based scheme (Romania, Georgia);
- 9) families with low income have the right to obtain financial support from the state to provide education for their children in the form of direct allowances, scholarships or extra charges exemption (Czech Republic, Poland, Ukraine, Russia, Georgia);
- 10) mutual assistance funds provide pecuniary or non-monetary help for families in need, including used textbooks, clothing, stationery (Russia, Czech Republic);
- 11) every attempt is made by the state to prevent extortion of ‘voluntary donations’ from parents in free public schools (Russia, Ukraine).

In Bulgaria the students of private schools are in a disadvantaged position. Not only are schools deprived of financial support from the state and subjected to extra costs for property taxes and custom duties on imported textbooks, but also students are excluded from state merit-based scholarships, city transportation cost reduction, or the use of municipal recreation facilities available for public school pupils.

In Poland low-income families may participate in a government subvention

programme which partially reimburses their expenses for buying textbooks from an official list of textbooks authorized annually by the Minister of Education, however, this programme does not cover all grades. Another example of support provided to low-income families with disabled or disadvantaged children also comes from Poland. Two private schools in Warsaw have chosen to enroll disabled and refugee children, whose education is covered from the fees paid by the parents of the rest of the children who study there. Some other non-public schools enroll pupils with high educational output from low-income families and exempt them from the fee. By this token the school gets higher quality pupils, thus improving the level of enrollment.

In Russia and Ukraine, despite legal regulations and continuous attempts of the state to prevent extortion of 'voluntary donations' from parents in free public schools, this practice continues, thus limiting the accessibility of quality education to children from low-income families.

### *School distinctiveness protected by law and policy*

As a general rule, private schools enjoy more autonomy and flexibility in exchange for less government support and stricter administrative control. For example, in Russia the legal status of private schools includes a number of exemptions from general regulations derived from the independent nature of a private legal entity and its relative organizational and financial autonomy from the state. Thus, private schools are exempt from the requirement to accept every applicant for general education of compulsory level. Unlike public schools, they may introduce admission tests, deny access to education without giving reasons, be connected to a political party or movement, or offer religious instruction. *Provisions Concerning General Educational Institutions* are not obligatory for private schools, while public schools must follow the provisions and use them as a basis for drafting their charters (article 2 of the *Provisions*).

Generally speaking, private schools of Eastern Europe may be, and, in fact, are of distinct character, reflecting linguistic, cultural, ethnical diversity of their societies. This right was won during the intensive and painful breaking free from the Soviet regime.

In Bulgaria many of the new post-communist independent schools have a career focus, as parents seek to give their children a competitive advantage in the changing economy. In Sofia, there are newly-opened secondary schools of banking and finance, economics, tourism, trade and commerce, sports, music, and art. English-language schools and schools that teach other Western languages are especially popular. Some independent schools reflect a distinctive worldview or culture. There

are, for example, Jewish and Armenian schools as well as an Orthodox seminary in Sofia, and an Orthodox secondary school in Plovdiv.

Contemporary Czech schools have considerable autonomy in terms of their specialization, focus, educational content, textbooks and methods of education. *Framework Educational Programs* are binding, but they provide sufficient space for the creative input of schools and teachers.

Rather than regulating the time spent on specific activities, the national curriculum in Estonia defines the fields, subject matter, knowledge and skills that have to be acquired by children. An institution is entitled to draw up its own plan of activities and daily working schedule, in accordance with national tradition and the cultural preferences of the region. Local authorities determine which language should be used in educational institutions, taking in account that it can be only one 'main' language. As in other countries, some schools in Estonia are specialized in a certain domain and, instead of supplementary optional subjects, they teach English, mathematics or other main subjects in depth. Others may introduce various subjects, from tourism, economy and philosophy to car driving.

In Poland, non-public schools, including denominational schools, can maintain their distinctive philosophy and value system as long as they fulfil the educational standard set by the ministry; a significant number of private schools focus on a particular pedagogical concept rather than on a religious or linguistic approach. In large cities schools based on *Freinet* pedagogy, *Montessori* educational principles, *Waldorf* education, and pedagogy of *Janusz Korczak* are in demand.

Educational programs of Slovenian private schools must conform with general state requirements; the number of independent schools, including denominational schools, remains relatively low. Their distinctiveness is characterized either by religious aspect or by a specific pedagogical concept.

The situation in Hungary is somehow unique, as the *Act on Public Education* not only guarantees but also prescribes the distinctiveness of educational institutions by obliging each to compile its own school-specific pedagogical program so long as that program is aligned with certain curricular and extracurricular requirements. School programs are comprised of a school's local curricula (or vocational training plan) and its educational program for regulating extracurricular activities. Programs should also provide a way to differentiate curricula and ensure equality of educational opportunity. Close interaction with families, child protection and welfare agencies is thus prescribed by the law.

Unlike many of Eastern European countries presented in this report, the flexibility of

Latvian schools in determining the contents of education is limited. More precisely, educational institutions have no right to change the curriculum and the set of minimal skills and knowledge to be acquired according to the state standard. Still, an educational institution can keep its distinctiveness by choosing teaching methods or by selecting study subjects not mentioned by the state standard, if the maximum number of lessons is not exceeded. Similarly, in Lithuania educational programs and standards are determined by the Minister of Education, while the teacher is only there to arrange the plan of teaching depending on workload dedicated to that particular study at school.

A relatively low degree of discretion is reported in Romanian schools, as they are to follow a rather detailed syllabus for main subjects. Still, they can develop a distinct 'school philosophy', focused on pupils' individual development or on Christian values. Some schools build their distinctiveness upon alternative pedagogical methods, such as *Freinet* techniques, *Montessori* pedagogy, curative pedagogy, *Jena Plan*, *Step by Step* program and the *Waldorf* education system.

### *Decisions about admitting pupils*

A classical non-discrimination clause, which guarantees access to compulsory education to any child regardless of gender, race, nationality, language, origin, place of residence, attitude towards religion, convictions, membership in public associations, age, health, social, financial status or position, criminal record, is commonly used in educational legislation of the countries in this report.

In the majority of cases, admittance to public school is determined by a prospective student's place of residence. A public school has an obligation to enroll all children of school age residing within a territory defined by the local authorities, while the latter are responsible for keeping track of all children of compulsory school age. Two issues arise in this regard: whether a public school is entitled, in general, to enroll children from other jurisdictions, and whether entrance tests are permitted in case of over-subscription.

In Russia, children residing in a designated area have priority enrolment to the public school of the area. Such priority is also granted to siblings of children studying in the same school (same in Hungary) and children of the staff; a place is reserved for a number of categories of socially disadvantaged families. If there is still a place available in that school, anyone can apply. Admission committees in Russian public schools have no right to test the abilities of their future pupils.



Contrastingly, in Czech Republic secondary school, higher vocational school and college schools have the right to set their own criteria for admission of students. Headmasters of secondary schools decide on the admission of applicants and set admission criteria for fields of study. Admission to the first year of study may include several rounds. In Estonia, admission tests for public schools without a designated 'catchment area' became legally binding in 2009. In Latvia, enrolment exams may be organised for admitting to gymnasium grades (grades 7 to 9) as well as in case of general secondary education programs. In Romania, schools may introduce entrance exams for distributing places left after enrolling all children from the 'catchment area'.

In Slovenia, students are allowed to enroll in secondary schools (*gimnazija*, vocational or technical schools) if they have acquired a primary school certificate. Marks from their primary school certificate are the main admission criteria for enrolment, although schools may specify additional criteria (e. g. art talent, sports achievements).

According to Hungarian education legislation, if a school has vacancies for non-district pupils and an overflow of applicants to fill the vacancy, admission is determined by lottery. Hungary and Romania feature a unique centralized information system for nation-wide enrolment. Each school maintains a list of eligible pupils; eligibility is based upon school grades or/and points scored on a written competency examination that is administered by the state. Each school then compares its list with a list of each pupil's choice of schools. Pupils who do not meet the eligibility criteria for any of the schools of their choice continue their education in an institution that does not admit pupils based on academic criteria.

In Ukraine, only public gymnasiums and lyceums have the right to enroll pupils starting from the fifth grade on the basis of their learning achievements. Each school determines its own admission regulations including interviews or specific subject tests as the admission procedure.

Private schools are generally free to introduce their own regulations on admission with regard to their own educational strategy and their right to maintain distinctive character. Thus, a private school offering religious instruction may deny access to children of other confessions on the basis of relevant provisions in the school's charter or other internal acts. Such rules will not be considered discriminating, because usually legislation does not require a private school (even a state- accredited one) to admit every applicant without exemptions. Private schools offering in-depth study of a certain subject may well require future pupils to pass an admission test on their knowledge of the subject, not just on their general academic abilities. In Romania, interviews and psychological examinations are quite common.

In Slovenia, private schools receiving public funds are not allowed to select their students on the basis of religion.

## *Decisions about staff*

Generally speaking, in terms of hiring and dismissing personnel including teachers, the school is bound by general provisions of employment legislation, which, according to main international norms, forbids any kind of discrimination on the grounds not related to professional qualities of an employee, including his or her attitude toward religion. Distinctions, exclusions and preferences may be determined by the specific requirements of the position, usually conditional on special concern for individuals in need of social and legal protection. Laws rarely establish exemptions from the general provisions of employment legislation for teachers being hired by a public or private school, with an attempt to maintain the school's mission, or religious or philosophical attitude, or another means of manifestation of distinct character. An unjustified refusal to conclude an employment contract would most likely result in a court claim, as well as direct or indirect restriction of rights or the establishment of direct or indirect benefits in terms of employment on grounds of sex, race, colour, nationality, language, origin, social status, position, age, place of residence, as well as other circumstances not related to the professional qualities of an employee.

Admission to teaching positions usually requires a certain educational level (higher education or vocational training). In some countries special additional training and exams are required. In Bulgaria, a teacher must obtain a valid certificate for the professional qualification of teacher, while in Romania a probationary year in school under the supervision of a mentor teacher is a prerequisite condition for obtaining a teacher's position. The places are distributed by a competition at national level (*definitivat*), leading to the employment under an indefinite term contract. Internship for 6-10 months is also required for young teachers in Slovenia. Teacher certification exams are also used in Georgia.

Additional requirements, such as lack of criminal record, health conditions, full legal capacity and proficiency in national language are also becoming a norm. Such conditions are explicitly stated in educational acts of Russia, Latvia.

In the Czech Republic, a special *Act on Teaching Staff* was adopted in 2004. This law clarifies the term teaching staff, sets conditions for teaching practice, formulates requirements for the professional qualification of some specific categories of teachers, specifies conditions for the position of headmaster, and defines the system

of in-service teacher training.

Normally, a teacher of religion would be tested against a set of special criteria. In Poland, for example, requirements for teachers of religion are set by two agreements: one of them is concluded between the Minister of Education and the Bishops' Conference of the Catholic Church (2000) and the second one binds the Minister and the Polish Ecumenical Council standing for the interests of Protestant, Orthodox and Old-Catholic Churches (2001). A teacher must fulfil statutory requirements and must obtain authorization from a local bishop.

A unique situation in Hungary is worth being mentioned. Hungarian school teachers have the status of civil servants. This legal status gives teachers as public employees considerable protection, providing them with the financial security necessary for doing their work but, at the same time, making it difficult to dismiss unsatisfactory teachers. Teaching positions in state schools, like other civil service positions, can be filled only by public competition. With the exception of first-year teachers, who are on "probationary status," teaching jobs are granted for an indefinite term.

## *Accountability for school quality*

Conventionally, a nation-wide curriculum or educational standard act as a gauge for measuring quality of education provided by a school, be it a private or public institution. In Russia, the *Federal State Educational Standard* (FSES) specifies state requirements for the composition and content of all basic educational programs including the proportion of core and optional courses, as well as the conditions of educational facilities including staff, finance, technical supply etc. and the educational outcome, thus acting as the basis for objective assessment of quality of education and skills of all graduates. The procedure of state accreditation is aimed at testing whether a public or private school complies with all the requirements of the relevant FSES. This procedure includes expertise on the content and quality of training of students and graduates of a school and their compliance with the FSES.

Similar accreditation-against-a-standard scheme is used by most Eastern European countries included in this report. External supervision by educational authorities, as well as state examinations at the end of each stage of general education contribute to effective maintaining quality in education.

Mechanisms of accountability for school quality may differ, yet they range from supervision by controlling authorities to administrative and disciplinary

responsibility, including withdrawal of licenses and accreditations. Some examples follow.

In Russia, the administrative prescription to eliminate violations of educational legislation may be issued following a decision of a general meeting of parents of the school's students or a decree of a regional or local regulatory authority. The recipients of education are thus protected as 'consumers' of an educational service against poor quality thereof.

Both in Russia and the Czech Republic, schools are now obliged to publish annual school reports and make them available on their websites along with other pieces of important information on how the school operates.

Self-evaluation is another commonly used practice of maintaining quality education. While some schools consider these duties an additional administrative burden, other schools, on the contrary, accept self-evaluation as an opportunity to learn more about themselves and voluntarily develop more effective mechanisms to obtain relevant feedback from various subjects. A Czech national project, *The Way to Quality*, is aimed at creation and testing of self-evaluation methods, training of self-evaluation coordinators, establishment of school networks, and consultancy in self-evaluation.

Sometimes self-evaluation is developed into a comprehensive quality management system, as in Hungary. Accountability for quality is also ensured by the presence of school boards or various professional groups, parental organisations, and pupil governments.

Participation in comparative testing and research at international level (PISA, TIMSS, PIRLS and other schemes) also brings positive effect, as the decision-makers are able to evaluate the progress on national level.

Some countries have adopted a unified examination that acts simultaneously as a final attestation for high school graduates and as an admission test to the university. For example, the *Unified State Examination* is compulsory in Russia for all graduates (save few exceptions) of high school. Similarly, the Ukrainian *IGTs (The Autonomous Government Tests)* allow eleventh graders to enter university without taking separate entrance exams. The *National Examination Tests* and *National Assessment Tests ('Progress Tests')* play an important role in specifying and communicating the objectives of the curricula in Estonia. These national exams are held at the end of the ninth and the twelfth grade of general education.

In Poland there are three levels of measuring school quality: a) internal – at the school level: headmaster and teachers analyze how the school functions, define

existing problems and draw plans; b) external – the superintendent provides each school with objective, reliable information about its strong and weak sides, what aims at improving the quality; c) external – the Ministry of National Education provides the superintendent with information in order to improve his work.

## *Teaching of values*

Traditionally, schooling is considered a two-fold process of education and instruction. The former part actually includes teaching human values, while the latter implies acquisition of formalised knowledge and skills in accordance with the approved educational programs. A humanitarian attitude of education implies the priority of universal human values, like life and health, freedom of personal development, upbringing of civil consciousness, respect for personal rights and freedoms, environment, homeland and family. However, besides teaching universal human values, integration with national culture and ethical heritage constitutes an indispensable element of education.

National values are as unique as the national educational systems themselves; beyond universal maxims there are hardly any correlations. Nevertheless, the principles of their transmitting, as the procedures of their implementation and alteration may be evaluated in terms of flexibility, diversity, comprehensiveness, or lack of limitations.

In Russia the state seeks to protect children from harmful influence of inconsistent or dangerous religious or philosophical views, not only by explaining the place of religion in human life and by providing justified and well-balanced view of the world, but also by forbidding certain forms of ideological activity in schools. For example, state and municipal schools are to be kept free from religion and political activity. Any ideological influence including establishing and operation of organizational structures of political parties, socio-political and religious movements and associations in state-owned and local public educational establishments, as well as in regional and local educational authorities, is prohibited by the law. Also in Georgia it is not permitted to politicize academic process or to use it for religious indoctrination, proselytism, or forced assimilation. Schools are prohibited from teaching non-scientific values or theories as scientific theories or evidence. Similarly, church and state in Slovenia are strictly separated, and confessional religious education as well as other activities (mass, prayer, etc.) are legally prohibited in public schools.

The standard of general education in Russia does not include religious instruction;

therefore all state-accredited schools must comply with this requirement and refrain from teaching a certain religion within the frames of the basic educational program. However, upon parental request and with the child's consent the administration of state-owned and local public schools allows religious organizations to conduct extra-curricular religion classes. In the same manner an Estonian school has to include religious lessons in its curriculum, if parents ask for it.

Religious organizations operating on the territory of the Russian Federation for less than 15 years on the basis of annual approval of their permit to conduct religious activities are not entitled to provide religious instruction in state-owned and local public schools.

In a similar way, the Czech Republic is neutral in terms of confession: there is no official religion, freedom of belief is guaranteed, and everybody has the right to express his/her religion or belief. Alternative and church schools have thus become a solution for families who do not believe that the common school can fulfill social and supreme human values in a world full of risk factors such as violence and intolerance.

In Latvia, a significant discretion is given to both public and private schools in terms of including value-oriented teaching into their curriculum, while the state standard for basic education includes a choice of either ethics or the basics of Christian faith. Non-state schools in Lithuania are also free to add focus of religious or moral nature for the subjects of religious or ethical teaching as long as it does not conflict with principal constitutional values, while the right to religious education is reserved for all participants of compulsory education, either private or public.

In Poland, a nationwide conflict exists on the issue of religious classes and ethics. Public schools are allowed to organize religious instruction (mainly Catholic, though in some regions also Orthodox or Lutheran), or, alternatively, classes in ethics. Those parents who request classes of ethics for their children struggle with various difficulties: well-prepared ethics teachers are rare, while priests do not want to teach ethics, nor do the parents want them to do so, there are no textbooks, and children choosing to attend ethics classes are often marginalized.

The Romanian example of a democratic way of introduction of value-oriented classes may be of interest. In public education, the extent to which the schools can impose specific 'values' is reflected in their offer of optional courses, as a part of the school-based curriculum that adds to the core curriculum established by the Ministry of Education and other relevant actors in the educational field. The school board establishes school-based curriculum after consultation with pupils, parents, and taking into consideration available resources. Optional courses may include IT



training, foreign language skills, entrepreneurial and financial education, rhetoric and argumentation, protection of the environment, or history subjects insufficiently covered in the textbooks, such as the history of communism in Romania or the Holocaust. Private schools are yet more flexible in constructing their value component of education, as they may introduce more religious classes of a certain denomination, or for example, replace Darwinism with another theory.

As a general conclusion, it may be stated that, relieving themselves from Soviet administrative pressure and ideological control, the countries of Eastern Europe have instinctively chosen the most reverse way – into liberal neutrality and active appreciation of diversity of worldviews and pedagogical concepts. However, much more than 20 years is required to balance the fresh approaches led by enthusiasts with an immense heritage left by our predecessors who have built and effectively run an unprecedentedly titanic system of education.